

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN ROBERT C. CLARK**, on March 9, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Robert C. Clark, Chairman (R)  
Rep. Dan McGee, Vice Chairman (R)  
Rep. Diana Wyatt, Vice Chairman (D)  
Rep. Chris Ahner (R)  
Rep. Shiell Anderson (R)  
Rep. Paul Clark (D)  
Rep. Aubyn A. Curtiss (R)  
Rep. Bill Eggers (D)  
Rep. Tom Facey (D)  
Rep. Steven Gallus (D)  
Rep. Gail Gutsche (D)  
Rep. Joan Hurdle (D)  
Rep. Rick Jore (R)  
Rep. Sam Kitzenberg (R)  
Rep. Brad Molnar (R)  
Rep. Mark Noennig (R)  
Rep. Jim Shockley (R)  
Rep. Loren Soft (R)  
Rep. Carol Williams (D)  
Rep. Cindy Younkin (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** John MacMaster, Legislative Branch  
Pam Schindler, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 243, SB 33, SB 481, SB 250,  
3/2/1999

Executive Action: SB 165-Be Concurred in as  
Amended, SB 222-Be concurred  
in Amended, SB 87-Be Concurred  
In

(Senator Thomas testifying on a different bill in another  
committee; unable to be present for SB 481, therefore House  
Judiciary went into Executive Action.)

EXECUTIVE ACTION ON SB 222

Motion: REP. YOUNKIN moved that SB 222 BE CONCURRED IN.

Motion/Vote: REP. NOENNIG moved that SB 222 BE AMENDED. Motion  
carried 17-3 with Jore, McGee, and Molnar voting no.

Motion: REP. KITZENBERG moved that SB 222 BE TABLED. Motion  
failed on a voice vote.

Motion/Vote: REP. SHOCKLEY moved that SB 222 BE CONCURRED IN AS  
AMENDED. Motion carried 14-6 with Ahner, R. Clark, Jore,  
Kitzenberg, McGee, and Molnar voting no.

*{Tape : 1; Side : A; Approx. Time Counter : 44 - 218}*

EXECUTIVE ACTION ON SB 22

Motion/Vote: REP. MCGEE moved SB 22-BE RECONSIDERED AND REMOVED  
FROM "TABLED" STATUS. Motion failed 6-14 with Ahner, Anderson, P.  
Clark, Eggers, Facey, Gutsche, Hurdle, Jore, Kitzenberg, Molnar,  
Noennig, Shockley, Soft, and Wyatt voting no.

*{Tape : 1; Side : A; Approx. Time Counter : 218 - 367}*

EXECUTIVE ACTION ON SB 165

Motion: REP. WILLIAMS moved that SB 165 BE CONCURRED IN.

Motion/Vote: REP. NOENNIG moved that SB 165 BE AMENDED. Motion  
carried 18-2 with P. Clark and Eggers voting no.

Motion/Vote: REP. NOENNIG moved that SB 165 BE CONCURRED IN AS  
AMENDED. Motion carried 16-4 with Anderson, P. Clark, Eggers, and  
Kitzenberg voting no.

*{Tape : 1; Side : A; Approx. Time Counter : 367 - 550}*

*{Tape : 1; Side : B; Approx. Time Counter : 0 - 233}*

HEARING ON SB 243

Sponsor:

Senator Thomas presented SB 243.

{Tape : 1; Side : B; Approx. Time Counter : 233 - 350}

Proponents:

John Larson, District Court Judge, Missoula

{Tape : 1; Side : B; Approx. Time Counter : 350 - 550}

{Tape : 2; Side : A; Approx. Time Counter : 0 - 92}

EXHIBIT (juh53a0

1)

EXHIBIT (juh53a0

2)

EXHIBIT (juh53a0

3)

EXHIBIT (juh53a0

4)

Opponents:

None

Informational:

None

Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 92 - 380}

Closing by Sponsor:

Senator Thomas made closing statements.

{Tape : 2; Side : A; Approx. Time Counter : 380 - 407}

Rep. Hurdle wanted to ask another question of Judge Larson;

{Tape : 2; Side : A; Approx. Time Counter : 407 - 443}

HEARING ON SB 33

Sponsor:

Senator Thomas presented SB 33.

{Tape : 2; Side : A; Approx. Time Counter : 443 - 550}

EXHIBIT (juh53a0

5)

**Proponents:**

**Rick Day**, Dept. of Corrections

**{Tape : 2; Side : B; Approx. Time Counter : 0 - 69}**

**Opponents:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

**{Tape : 2; Side : B; Approx. Time Counter : 69 - 209}**

**Closing by Sponsor:**

**Senator Thomas** made closing statements.

**{Tape : 2; Side : B; Approx. Time Counter : 209 - 224}**

**HEARING ON SB 481**

**Sponsor:**

**Senator Thomas** presented SB 481.

**{Tape : 2; Side : B; Approx. Time Counter : 224 - 272}**

**Proponents:**

**Steve Everett**, Youth Home Arrest Officer, Missoula

**{Tape : 2; Side : B; Approx. Time Counter : 272 - 325}**

**John Larson**, District Court Judge, Missoula

**{Tape : 2; Side : B; Approx. Time Counter : 325 - 336}**

**Opponents:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

**{Tape : 2; Side : B; Approx. Time Counter : 336 - 550}**

**{Tape : 3; Side : A; Approx. Time Counter : 0 - 169}**

**Closing by Sponsor:**

**Senator Thomas** made closing statements.

*{Tape : 3; Side : A; Approx. Time Counter : 169 - 196}*

**HEARING ON SB 250**

**Sponsor:**

Senator Bartlett presented SB 250

*{Tape : 3; Side : A; Approx. Time Counter : 196 - 280}*

**Proponents:**

None

**Opponents:**

Judge Larson, District Court Judge, Missoula

*{Tape : 3; Side : A; Approx. Time Counter : 280 - 304}*

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

*{Tape : 3; Side : A; Approx. Time Counter : 304 - 350}*

**Closing by Sponsor:**

Senator Bartlett made closing statements.

*{Tape : 3; Side : A; Approx. Time Counter : 350 - 377}*

**EXECUTIVE ACTION ON SB 87**

**Motion:** REP. SHOCKLEY moved that SB 87 BE CONCURRED IN.

**Motion:** REP. P. CLARK moved that SB 87 BE AMENDED. AMENDMENT FAILS on a voice vote.

**Vote:** Motion that SB 87 BE CONCURRED IN carried 15-5 with P. Clark, Eggers, Gallus, Hurdle, and Wyatt voting no.

*{Tape : 3; Side : A; Approx. Time Counter : 377 - 550}*

*{Tape : 3; Side : B; Approx. Time Counter : 0 - 291}*

Meeting adjourned.

HOUSE COMMITTEE ON JUDICIARY

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**ADJOURNMENT**

Adjournment: 11:29 A.M.

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REP. ROBERT C. CLARK, Chairman

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PAM SCHINDLER, Secretary

RC/PS

**EXHIBIT** (juh53aad)